

**REMARKS**

Reconsideration of the above-identified application is respectfully requested on the basis of the above amendments, which, together with the accompanying Petition for Revival and the following remarks, are considered to obviate the outstanding issues in the present application as detailed in the Office Action dated June April 17, 2007 and place the remaining claims, particularly as amended, in condition for allowance.

The present invention relates to a vibration dampening device comprising a patch and one or more step members having distal ends extending from the patch. The vibration dampening of the present devices permits their use in relieving the symptoms of ailments such as "tennis elbow."

The objection to Claim 32 is considered to be obviated by the amendment of that claim to provide proper antecedent basis.

The applicants respectfully traverse the rejection of Claims 1-2, 6-9, 19-20, 43-45, and 48-50 under 35 U.S.C. 102 over Klesa, U.S. Patent 2,988,008. Rather than the patch and step member required in the instant claims, Klesa relates to a buckled restraining device, physically dissimilar to the patches of the present invention. Contrary to the suggestion in the Office Action, there is no disclosure or suggestion in Klesa of vibration dampening. Rather than a patch as presently required, Klesa discloses and claims a belt with components for buckling a patient to, as noted at column 2, lines 24-26, "a nearby structure, as for instance, on the posts, sides or bottom of the patient's bed, chair, etc." Nor is there any suggestion of a therapeutic effect of the restraining devices of Klesa. Accordingly, not only is the basic structure of Klesa different than the present invention, namely, a restraining belt as opposed to a patch, but Klesa fails to suggest, in any way, the surprising and unexpected properties of the present invention, namely, the alleviation of painful injury such as tennis elbow.

The deficiencies of the primary reference are not cured by the secondary reference, Bartlett, U.S. Patent 6,155,999. While Bartlett allegedly is useful in the treatment of the symptoms of tennis elbow and similar syndromes affecting major joints, the devices described therein incorporate a buckle for applying decompressive force to the effected area. Moreover, the basic elements of the present invention are not found in Bartlett any more than in Klesa. Particularly, there is no disclosure or suggestion of the

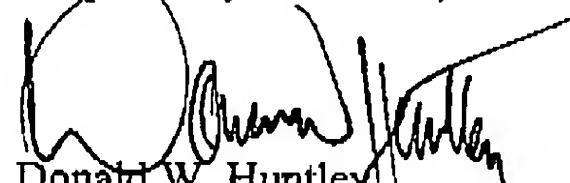
4/07/2009  
RECEIVED  
CENTRAL FAX CENTER

APR 07 2009

presently claimed patch with a step member having a distal end extending beyond the outer perimeter of the patch. In Bartlett, the buckle subassembly is only illustrated to be fully within the perimeter of the base strip of the devices there shown. Accordingly, Bartlett fails to disclose the requirement of the present invention that "the step member has a distal end that extends beyond the outer periphery and has freedom of movement with respect to the patch." (Claim 1, lines 5-7)

The patch devices of the present invention can be used to effectively treat a variety of long-standing problems, and are neither disclosed nor suggested in the cited references. Accordingly, the present claims define a novel and unobvious advance, and the issuance of a Notice of Allowance for remaining Claims 1, 2, 6-9, 19, 20, 23-34, 43-45, 48-50, 56 and 57 is in order. Such action is earnestly solicited. If, for reasons not understood by the applicants, any issues remain outstanding, the Examiner is urged to contact the undersigned by telephone to expedite their resolution.

Respectfully submitted,



Donald W. Huntley  
Attorney for Applicants  
Registration No. 24,673  
Telephone: 302-426-0610

L:\CLIENTS\Harris\Harris-1 22402\Documents\Amendment 1.doc